

# Board of Zoning Appeals Public Hearing and Administrative Meeting

November 3, 2016

The Board of Zoning Appeals held a Public Hearing and Administrative Meeting on Thursday, November 3, 2016 in Council Chambers of Stratford Town Hall, Main Street, Stratford, CT per notice duly posted.

**Members Present:** Chairman Dempsey, Mr. Hojdich, Ms. Young, Mr. Tavaras, Mr. Fredette sitting for Mr. Dausilio

**Alternates Present:** Mr. Fredette, Mr. Grega

**Members Absent:** Mr. Dausilio

**Others:** Mr. Habansky, Planning and Zoning Administrator, Town Attorney A. Florek, Town Attorney B. Jackson

**Call to Order:** Mr. Dempsey called the Public Hearing to order at 7:00 p.m.

RECEIVED FOR RECORD  
SUSAN H. PARDUE  
2016 NOV -4 PM 12:59  
STRATFORD TOWN ENGINEER

Petition 1  
55 Washington Parkway  
DPD Realty LLC

**Waive: Front setback, coverage, building height**

Petition of DPD Realty LLC to waive the allowable front setback from 20' to 14.8', lot coverage from 25% to 47.4% & maximum building height from 30' to 36' per Section 4.2, waive the minimum lot size for residence apartments from 30,000 sq. ft. to 19,803 sq. ft. & to waive the prohibition that no structural changes can be made when changing from one nonconforming use to another per Section 14.2.2 to construct a nine unit residence apartment building in an RS-4 District – Hardship: Proposed use represents an upgrade in use from the previously existing nonconforming commercial use, and the proposed use eliminates three zoning non-conformities which currently exist on site – Attorney B. Knott, representing petitioner, noted Certificates of Mailings were submitted at the September Board of Zoning Appeals meeting. He distributed and reviewed photographs of the property, assessors' map, survey map, site plan, public input, transparency documents, information on nonconforming uses, Connecticut Land Use Law and Practice, comments from Town Engineer and Fire Marshall. He discussed conversion of the skating rink into residential usage.

M. Silva, Rose-Tiso and Company, addressed concerns from John Casey, Town Engineer, and memo dated November 1<sup>st</sup> noting Mr. Casey is satisfied with revisions. He also addressed concerns from Brian Lampert, Fire Marshall, and memo dated November 3<sup>rd</sup> noting Mr. Lampert is satisfied that concerns were addressed.

Ms. Young questioned why the Commissioners do not have a copy of the revised plans and would like to see a continuance of this Public Hearing until which time Commissioners can review revised plans. She questioned Atty. Knott on the exhibits presented this evening. Ms.

Young discussed the memo from Atty. A. Florek and questioned building height in respect to raised elevation. For the record, she noted that where she is employed building height is measured on existing grade not proposed grade.

Atty. Florek discussed case law references submitted and public policy for a non-conforming use. Atty. Knott discussed non-conforming use vs. non-conformity.

Resident of 54 Washington Parkway questioned the height of the building and percentage of coverage.

Mr. Rakunas, questioned notification of Lordship residents.

Mr. Fredette made a motion to close 55 Washington Parkway. The motion was seconded by Mr. Hojdich. The motion carried 4-1 with Ms. Young in opposition.

Ms. Young suggested meeting not be closed due to the fact no plans are on file.

Mr. Fredette made a motion to withdraw the closure of the meeting on 55 Washington Parkway for reconsider for Atty. Knott to submit revised plans. The motion was seconded by Mr. Hojdich. The motion carried unanimously.

Ms. Young made a motion to leave 55 Washington Parkway open. The motion was seconded by Mr. Hojdich. The motion carried 3-2 with Chairman Dempsey and Mr. Fredette in opposition. This hearing will be continued until the December meeting of the Board of Zoning Appeals.

Petition 2  
28 Lighthouse Avenue  
Nancy Maiocco

Waive: Variance on side set-back

Petition of Nancy Maiocco seeking a variance of the side setback per Section 3.11 to construct an addition in an RS-4 District – Hardship: Non-conforming structure – Representative for Ms. Maiocco submitted Certificates of Mailings and noted the house and garage will be connected which puts the garage beyond the setback area making the structure non-conforming.

Hearing no members of the public speaking in favor or opposition of the petition, Mr. Fredette made a motion to close 28 Lighthouse Avenue. The motion was seconded by Mr. Hojdich. The motion carried unanimously.

Petition 3  
955 Ferry Boulevard  
UB Dockside LLC

Waive: Variance on allowable principal buildings

Petition of UB Dockside LLC seeking a variance of allowable number of principal buildings on a lot per Section 1.24 and the open space minimum per Section 7.4.1 to construct a 10,000 sq. ft. boat showroom and storage facility in an CA/WF District – Hardship: Size and shape of lot, proximity to Housatonic River is appropriate location for boat showroom, water dependent use – Petitioner has requested this be postponed until the December 6<sup>th</sup> meeting of the Board of Zoning Appeals.

RECEIVED FOR RECORD  
SUSAN H. PAVAN  
2016 NOV -4 PM 1:09  
STAMFORD TOWN ENGINEERING

Mr. Hojdich made a motion to table 955 Ferry Boulevard until December 6<sup>th</sup>. The motion was seconded by Mr. Tavaras. The motion carried unanimously.

Mr. Fredette made a motion to close the Public Hearing. The motion was seconded by Ms. Young. The motion carried unanimously.

## Administrative Session

Petition 1  
55 Washington Parkway  
DPD Realty LLC

Waive: Front setback, coverage, building height

Petition of DPD Realty LLC to waive the allowable front setback from 20' to 14.8', lot coverage from 25% to 47.4% & maximum building height from 30' to 36' per Section 4.2, waive the minimum lot size for residence apartments from 30,000 sq. ft. to 19,803 sq. ft. & to waive the prohibition that no structural changes can be made when changing from one nonconforming use to another per Section 14.2.2 to construct a nine unit residence apartment building in an RS-4 District – Hardship: Proposed use represents an upgrade in use from the previously existing nonconforming commercial use, and the proposed use eliminates three zoning non-conformities which currently exist on site. Left on table.

Petition 2  
28 Lighthouse Avenue  
Nancy Maiocco

Waive: Variance on side set-back

Petition of Nancy Maiocco seeking a variance of the side setback per Section 3.11 to construct an addition in an RS-4 District – Hardship – Non-conforming structure – Mr. Hojdich made a motion to approve 28 Lighthouse Avenue with a friendly amendment from Ms. Young that the hardship would be non-conforming and pre-existing location of garage. The motion was seconded by Mr. Tavaras. The motion carried unanimously.

Petition 3  
955 Ferry Boulevard  
UB Dockside LLC

Waive: Variance on allowable principal buildings

Petition of UB Dockside LLC seeking a variance of allowable number of principal buildings on a lot per Section 1.24 and the open space minimum per Section 7.4.1 to construct a 10,000 sq. ft. boat showroom and storage facility in an CA/WF District – Hardship: Size and shape of lot, proximity to Housatonic River is appropriate location for boat showroom, water dependent use – Left on table

RECEIVED FOR RECORD  
SUSAN M. PAWELCZAK  
2016 NOV -4 PM 12:59  
STRAITFORD TOWN CLERK

**Approval of Minutes** - Ms. Young made a motion to approve the minutes of October 4<sup>th</sup>. The motion was seconded by Mr. Tavaras. The motion carried unanimously.

**C.A.M Site Plan –**

55 Washington Parkway – tabled

**Members Concerns/Comments –**

Ms. Young discussed the seating arrangements of the alternates and members.

Commissioners discussed opinion from the Town Attorney on doubling application fee for legalizing work – Town Attorney advised that this board can modify fees if they can justify them – Ms. Young requested Mr. Habansky look into justification for fees.

**Adjournment** – There being no further items to discuss, Mr. Fredette made a motion to adjourn the meeting. The motion was seconded by Mr. Hojdich. The meeting was adjourned at 8:21 p.m.

Respectively Submitted,

Gail Decilio  
Recording Secretary

RECEIVED FOR RECORDS  
SUSAN M. PAVLON  
2016 NOV -4 PM 12: 59  
STRAITFORD TOWN CLERK  
G